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**AN ANALYSIS OF THE NATIONAL DRUG CONTROL STRATEGY:  
ARE WE WINNING THE WAR OR IS IT TIME FOR CHANGE?**

BY

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USAWC STRATEGY RESEARCH PROJECT

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## **ABSTRACT**

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The blight of drugs is upon America and there is no end in sight to the drug war. It is time our nation shifted its emphasis from supply interdiction to demand reduction.

Anti-drug action grew continuously over the last decade. The federal government now spends \$16 billion annually combating this problem to include extensive military support. Given the added social, medical, economic, and crime related problems, the National Drug Control Office estimates total annual costs at \$67 billion.

Our main focus is interdicting drug supply. Yet despite our nation's efforts, illicit drugs are readily available throughout America. Policy makers now suggest the phrase "War on Drugs" is misleading and implies quick victory, when another 10 to 20 years may be required. We just completed 10 years and little changed.

Although expanding the military's support and governmental agency response has positive potential, in the end the key to the drug problem is demand. Without demand, there is no problem. We need to get our people off drugs. Beginning with the 1998 National Drug Control Strategy, the country should gradually shift more money from supply to demand reduction. America cannot lead into the next millennium drug dependent.



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## **AN ANALYSIS OF THE NATIONAL DRUG CONTROL STRATEGY: ARE WE WINNING THE WAR OR IS IT TIME FOR CHANGE?**

The blight of drugs is upon America and there is no end in sight to the drug war. To use the words of Senator Joseph Biden,

it is time to reassess the wisdom of devoting massive resources to the international drug interdiction effort--particularly to the Department of Defense...<sup>1</sup>

Our 1998 National Drug Control Strategy should begin shifting its overall emphasis from supply interdiction towards demand reduction.

Decades have passed and governmental anti-drug action has grown continuously. In 1989 our government greatly expanded this effort to include extensive military involvement. Despite these heavily funded efforts, illicit drug use, narco-trafficking, and money laundering continue at horrific levels.

America's appetite for, and chronic abuse of drugs tears at the fabric of our nation. Socially, drug addiction has ruined many homes and neighborhoods leaving in its path millions of dysfunctional adults and youth. Drugs corrupt our most sacred institutions and increase our violent crime. In fact, between 60 to 80 percent of serious offenders arrested test positive for illegal drugs.<sup>2</sup> The drug culture spreads numerous infectious diseases such as HIV and tuberculosis contributing to a multitude of personal health miseries. Drugs are also a great economic drain as billions of dollars leave our country unchecked, while

absenteeism and loss of productivity loom at work. In total, our government estimates current drug related losses at \$67 billion annually.<sup>3</sup>

With such staggering figures, it behooves each American to become more aware of the drug problem. This paper will examine its history, the laws, the policies, DOD's response, and provide an analysis. Finally, other drug control options will be explored.

### **HISTORY AND BACKGROUND**

Our country has a long and steeped history of prohibition. As early as 1900 Americans began to demonize the use of psychoactive substances. This effort was led primarily by the Protestant Woman's Christian Temperance Union.<sup>4</sup> In response to their efforts and a perceived Chinese immigrant drug abuse and trafficking problem, in 1909 we called for the first International Opium Commission in Shanghai. Twelve nations attended and within two years all had signed a treaty controlling narcotics trade and limiting drug use to medical purposes.<sup>5</sup> After three years of national debate, Congress passed the Harrison Act which provided strict American control of opium and coca.<sup>6</sup> In 1919, our country passed the 18th amendment which mandated the prohibition against alcohol. Many thought these actions would solve a multitude of our country's social problems.<sup>7</sup> Predictably, the laws of supply and demand prevailed and substance abuse went underground. The criminal element marketed both alcohol and

narcotics. In fact in 1933, due to violence associated with organized crime, corruption of law enforcement, and dwindling public support, the prohibition amendment was repealed.<sup>8</sup>

Yet, unlike the softening attitude and tolerance towards alcohol, strong anti-narcotic sentiment remained. President Hoover created the Federal Bureau of Narcotics in 1930 and Harry Anslinger was appointed Commissioner. He served in this capacity for over three decades promoting all aspects of drug control to include interdiction, domestic supply, and public relations.<sup>9</sup> At the height of our country's intolerance, federal law called for the death penalty for sale of heroin to a minor and marijuana use became illegal.<sup>10</sup> Drug use during the 1930s, 1940s, and 1950s was relatively low. But during the era of the 1960s, experimentation and expanded drug use, primarily by white middle class youths, caused great public alarm. In response, our government enacted further drug laws and established programs and agencies to combat this problem. In 1965 Congress passed drug abuse control legislation and in 1966 the Narcotic Addict Rehabilitation Act.<sup>11</sup> As a result of the latter, the first federal demand reduction program began with the authorization of methadone treatment to combat heroin addiction. Over the next two decades, the nation's counterdrug efforts were further refined. While public sentiment reflected the nation's tolerance for marijuana use--imposition of fines rather than jail time--it still demanded stiff action against drug dealers and the use of the more harmful drugs,

cocaine and heroin. By 1973 the Drug Enforcement Administration (DEA) had been created.<sup>12</sup> Military involvement began with minor roles as early as 1977.<sup>13</sup> During the 1980s mandatory sentencing took hold and the nation's interdiction efforts expanded greatly.

Then, to enhance the visibility and likelihood for campaign success, President Reagan signed National Security Decision Directive 221 in 1986, declaring the drug trade "a national security threat."<sup>14</sup> In 1988, the Office of National Drug Control Policy was formed<sup>15</sup> and in 1989 the U.S. Congress and President Bush declared a "War on Drugs," detailing and financing a National Drug Control Strategy. The nation now looked to its military to help solve this problem.

#### **LAW AND THE MILITARY**

To increase our military's effectiveness, Congress would need to amend some laws and reinterpret the 1878 Posse Comitatus Act. This early act was originally written during the restoration period following the Civil War. It ended the practice of using federal military troops to enforce civilian laws within the United States.<sup>16</sup> As amended, the act reads today,

whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or the Air Force as a posse comitatus or otherwise to execute the laws shall be fined not more than \$10,000 or imprisoned not more than two years, or both.<sup>17</sup>

This act was then clarified under U.S. Code Title 10 section 375 in 1989. As written, military involvement "does not include or

permit direct participation by a member of the Army, Navy, Air Force or Marine Corps in a search, seizure, arrest, or similar activity...unless otherwise authorized by law."<sup>18</sup> Further interpreted, the Mansfield Amendment to the Foreign Assistance Act also prohibits DOD personnel from participation in arrest or police actions where hostilities are imminent in foreign countries.<sup>19</sup> At home, another legal constraint requires the military to get owner permission before entry onto private land.<sup>20</sup>

Although these portions of the law are very restrictive, the military is allowed to provide support to federal, state, and local Drug Law Enforcement Agencies (DLEAs). Under U.S. Code 10 Chapter 18, sections 371-381, "Military Support For Civilian Law Enforcement Agencies," Congress has allowed some latitude for military involvement:

**Section 371, Use of Information Collected During Military Operations-** The military is allowed to pass any information collected or received during the course of their operations, training, or exercises which may be relevant to a violation of either federal or state law.

**Section 372, Use of Military Equipment and Facilities-** The Department of Defense may make available any equipment, base facility, or research facility to enhance law enforcement capabilities.

**Section 373, Training and Advising Civilian Law**

**Enforcement Officials-** The Secretary of Defense may allow DOD personnel to train DLEA individuals on the operation and maintenance of either their organic equipment or loaned DOD equipment. Department of Defense personnel may also provide any expert advice they have relevant to counterdrug operations.

**Section 374, Maintenance and Operation of Equipment-**

The Secretary of Defense may allow DOD personnel to maintain either organic DLEA equipment or loaned DOD equipment. The law also enables the DOD to upgrade this equipment (including computer software) to preserve or enhance its utility. Operationally, the military is tasked to detect, monitor, and communicate the movement of air and sea traffic within and outside our country's boundaries. The military may transport Americans and foreign individuals to facilitate counterdrug activities both within and outside the United States. They will also provide aerial and ground reconnaissance, linguist and intelligence services, and construct fences, roads, and install lighting to stifle drug smuggling. Finally, the Department of Defense is tasked to establish command, control, communication, and computer networks as well as set up bases of

operation and training facilities both within and outside the United States.

**Section 376- Support Not to Affect Adversely Military Preparedness-** This section provides a disclaimer that DOD support to counterdrug enforcement will not adversely affect the preparedness of the United States military forces.

**Section 379- Assignment of Coast Guard Personnel to Naval Vessels...-** The Secretary of Defense will assign a minimum of 500 active Coast Guard personnel to appropriate naval vessels for the specific purpose of law enforcement search and seizure.<sup>21</sup>

As seen, Congress has continued to restrict the use of the military in counterdrug operations, while allowing its support role to expand.

#### **CURRENT NATIONAL DRUG POLICY**

President Clinton has continued the fight. He has published annually a National Drug Control Strategy. Additionally, he elevated his director of the Office of National Drug Control Policy to cabinet status and added him to his National Security Council.<sup>22</sup>

To meet today's drug challenge, the 1997 National Drug Control Strategy calls for \$16 billion in spending. This spending is targeted 66 percent against drug supply and 34 percent to demand reduction.<sup>23</sup> The strategy is very comprehensive and

identifies five major goals. For each goal, the plan establishes a multitude of objectives and initiatives to achieve success.

Although too expansive to completely detail, the following will give a flavor of the depth and breadth of this program:

**Goal 1: Educate and enable America's youth to reject illegal drugs as well as alcohol and tobacco.**

For this goal the plan works to expand "drug-free zones" where children study and play. It funds the Drug Awareness Resistance Education (DARE) program and restricts advertising of alcohol and tobacco aimed at children. Also, with a statistical correlation between alcohol, tobacco, and illicit drugs, the plan seeks to reduce child access to each of these substances.

**Goal 2: Increase the safety of America's citizens by substantially reducing drug related crime and violence.**

Strict laws and mandatory incarceration provide the basis for achieving goal two. Also, the Community Oriented Policing Services (COPS) policy puts 100,000 new police officers on the streets and helps integrate federal, state, and local efforts into task force groups. Additionally, economic sanctions will be imposed on businesses which deal with cartels and our government is working hard to disrupt the flow of drug money.

**Goal 3: Reduce health and social costs to the public of illegal drug use.**

To reduce health and social problems the plan focuses on treatment programs for the country's 3.6 million chronic drug

users and expands medical research for new anti-drug medications. It also promotes employee drug testing and a drug free workplace.

**Goal 4: Shield America's air, land, and sea frontiers from the drug threat.**

The fourth goal concentrates on interdiction. Our nation's efforts focus on the U.S.-Mexican border, the Caribbean, New York City, and southern Florida.

**Goal 5: Break foreign and domestic drug sources of supply.**

Goal five seeks to stop the supply of drugs from within the source nations. For example, we will help eradicate crops and support the anti-drug programs of the governments of Bolivia, Colombia, and Peru. Domestically we are reducing the cultivation of marijuana and controlling precursor chemicals used in the production of methamphetamine. We have also established a bilateral agreement with Mexico and are working with the United Nations on the global scale. Finally, the President annually 'certifies', or grades, other nations on their counterdrug programs. If the President denies a country certification, U.S. foreign assistance sanctions take effect, the U.S. government will vote against their international loans, and it stimulates public and international condemnation.<sup>24</sup>

The country's policies are clear, coherent, and very comprehensive. Now let's examine DOD's role.

## **MILITARY INVOLVEMENT**

Secretary of Defense William S. Cohen, in his annual report to the President and the Congress, reaffirmed DOD's commitment to counterdrug operations. Identifying drugs as a threat to national security, DOD supports the counterdrug mission in five key areas:

- Dismantling the cartels through technical support to domestic and international law enforcement agencies
- Providing source nation support
- Monitoring & detecting the transport of illegal drugs
- Directly supporting DLEAs in CONUS
- Reducing demand.<sup>25</sup>

These missions have remained much the same since 1989 including DOD's designation as the lead agency for our country's detection and monitoring effort. Accordingly, the defense operations and maintenance (O&M) portion of the drug budget rose from \$300 million in 1989 to \$1.2 billion in 1993 and then stabilized around \$900 million through 1997.<sup>26</sup>

Functionally, the five unified commands all have a counterdrug mission. However three, U.S. Atlantic Command (ACOM), U.S. Pacific Command (PACOM), and U.S. Southern Command (SOUTHCOM) are the most engaged in the drug war. U.S. Atlantic Command through its Army component, Forces Command (FORSCOM), runs Joint Task Force Six (JTF-6) at Fort Bliss, Texas.<sup>27</sup> JTF-6 provides the domestic coordination for federal troops in support of DLEAs. In addition to JTF-6, ACOM also operates an Information Analysis Center (IAC) for the U.S. Ambassador to Mexico. The IAC acts as the 24-hour focal point between Mexican and American

DLEAs and takes its direction from the country team's DEA attaché.<sup>28</sup> In addition, all three combatant commands established Joint Interagency Task Forces (JIATFs). ACOM is responsible for JIATF-East in Key West, Florida; PACOM is responsible for JIATF-West at March AFB, California; SOUTHCOM supports JIATF-South located on Howard AFB, Panama.<sup>29</sup> These JIATFs have intelligence gathering, detection and monitoring, and law enforcement capabilities. Department of Defense personnel also augment the U.S. Customs Domestic Air Interdiction Coordination Center (DAICC) located in Riverside, California. To provide some continuity of effort between these organizations, the national plan empowers the Commandant of the Coast Guard with oversight duty.<sup>30</sup> The interdiction battle is fought on three fronts: within the host nations, in the transient zone, and along our borders.

Within source and transit nations, our military provides equipment, advice, assistance, and training in coordination with the U.S. State Department. More specifically, DOD has extensively supported foreign intelligence collection while providing both airborne and ground based radar coverage. It has trained host nation police and military forces in a variety of tasks to include river patrolling, vessel boarding, and executing riverine operations. Equipment, such as A-37 and Citation Tracker aircraft, UH-1H helicopters, patrol boats, and tactical vehicles, has been loaned or directly provided. Additionally, DOD personnel support crop eradication.<sup>31</sup> <sup>32</sup>

Given the nation's lead agency role for detection and monitoring, the unified commands have placed their emphasis in the transient zone. With the primary objective of interdicting air and sea smugglers, a whole host of organic assets are being utilized. The Navy and Coast Guard are operating maritime surveillance and patrol ships with law enforcement capability. The Navy contributes the P-3 Orion to work with the Air Force's E-3 Airborne Warning and Control System (AWACS). In fact in 1990, over 48 percent of all AWACS missions, nearly 40,000 flight hours<sup>33</sup>, were flown in support of counterdrug operations at a cost of roughly \$160 million.<sup>34</sup> The Air National Guard offers F-16s and F-15s for the air tracking and intercept role.<sup>35</sup> A robust radar system is also in operation to include: aerostats, a Caribbean Basin Radar Network (CBRN), and two Relocatable Over The Horizon Radars (ROTHR), one in Virginia and the other in Texas. A third ROTHR will be on line in Puerto Rico by the end of FY 1998 to provide still further coverage.<sup>36</sup> However, the best feature of the transient zone interdiction effort is its linkage. Through the coordinated efforts of the JIATFs, smugglers are detected, monitored and tracked, and then handed off to U.S. and host nation law enforcement for apprehension, confiscation, and arrest. While our efforts within host nations and in the transient zone offer the first and second line of defense, another opportunity lies at home.

As allowed by law, the active duty, the reserves, and especially the National Guard provide a great deal of support for counterdrug operations within the United States. This support includes transportation, intelligence, maintenance, and training for DLEAs. To help the U.S. Border Patrol, for example, a variety of construction projects were completed by military engineer outfits in 1996.<sup>37</sup> National Guard troops upgraded or laid 87 miles of access road<sup>38</sup> and put up another 58 miles of fencing.<sup>39</sup> Troops also deploy on patrol duty using higher technology assets such as night vision goggles, remote sensors, encrypted communication, and infrared reconnaissance assets.<sup>40</sup> At U.S. entry points, the military augments the U.S. Customs service for inspection. In 1997, they assisted with over 145,000 containers and 750,000 trucks.<sup>41</sup> Along these same lines, under Congressional direction, DOD is now developing truck size x-ray machines for Custom's use.<sup>42</sup> Also within the United States, DOD has helped DEA and local authorities with crop eradication. All total at home, JTF-6 takes far more support requests from LEAs on a daily basis than the military can possibly handle. Yet, these requests are validated, prioritized and worked as expeditiously as possible.

However, due to the ever-increasing global operations tempo (OPTEMPO) of military forces, Secretary Cohen began to emphasize a bigger effort within the source nations. This shift in emphasis away from interdiction within the transient zones allowed the closure of some radar networks and reduced the heavy tasking of

our surveillance aircraft.<sup>43</sup> Additionally, the 1998 defense authorization bill greatly reduces the use of military ground forces for anti-drug border patrol duties.<sup>44</sup> With these and other realignments, the overall DOD O&M budget level has dropped 15 percent to approximately \$810 million for FY 1998<sup>45</sup> and FY 1999.<sup>46</sup> However, in support of this new direction, U.S. military security assistance to Colombia, for example, tripled to nearly \$150 million in FY 1998.<sup>47</sup> Peru also received a moderate increase of \$4.2 million for a total of \$9 million for FY 1998. Based upon successful anti-drug results, this authorization for Peru can increase to 20 million annually for FY 1999 through FY 2002. On the other hand, no increases were authorized for Bolivia or Mexico. Mexico will stay at 8 million annually and due to a lack of anti-drug performance the current 20 million in assistance to Bolivia is under review.<sup>48</sup>

With this level of budgetary, organizational, and personnel commitment by the DOD and over 50 other agencies working this problem daily, one should ask, "How we are doing?"

### **ANALYSIS**

In a recent address to the United States Conference of Mayors, President Clinton spoke of giving our children a drug-free future.<sup>49</sup> This is an admirable goal; however, does our country really have the ways and means to accomplish this daunting task? From the 1997 National Drug Control Strategy document we find that

illegal drugs continue to be readily available almost anywhere in the United States. If measured solely in terms of price and purity, cocaine, heroin, and marijuana prove to be more available than they were a decade ago...<sup>50</sup>

On further examination, although the total number of cocaine users has declined steadily since 1989, the number of chronic users and the quantity of cocaine consumed has not declined.

Unfortunately, the number of marijuana, heroin, and methamphetamine users has risen dramatically. By far the most alarming statistic is drug use among our youth. It is trending upward and occurring at much younger age levels.<sup>51</sup>

Have the DLEAs and the military let the public down? The answer is 'No'. Each and every year since 1991, drug related arrests have increased and the judicial system has been locking up the guilty.<sup>52</sup> Prison populations are bulging and court dockets are full with pending cases. In fact, of the nation's 1.6 million inmates, over 50 percent are incarcerated for drug related offenses.<sup>53</sup> But...we've underestimated the enemy.

The drug industry is formidable, well organized, and financially viable. Drug trafficking is a multi-billion-dollar business and the cartels buy and sell what they need (to include people). In most growing regions of Colombia and Bolivia, drug-financed guerrillas control the territory and are the law.<sup>54</sup> To circumvent our military efforts along the Southwest border, the cartels are purchasing connecting land on each side of the border to move their product<sup>55</sup> and, unconcerned with human life, they

are expanding their running techniques to include human 'mules' on commercial airlines. Never missing a beat, if a 'mule' drops from the payroll for any reason another is easily recruited and business continues.

The profits are huge. For example, it is estimated that enough cocoa leaf to produce one kilogram of pure cocaine costs between \$65 and \$370 within the source nation. Once processed and shipped, the finished pure product entering our country is valued at \$800 to \$5,000 per kilogram.<sup>56</sup> Then, after being cut and distributed to the streets, cocaine powder costs from \$10,000 to \$36,000 per kilogram.<sup>57</sup> With nearly a hundredfold mark-up, it is hard to imagine interdiction ever discouraging the criminal from moving this product.

In spite of these odds, our military has worked very diligently on the interdiction role. Over 2,000 active duty<sup>58</sup>, 500 reserve<sup>59</sup>, and 4,000 guard troops<sup>60</sup> are employed daily in counterdrug operations. Further, these military efforts have led to the largest drug seizures in history. In 1996 alone, Caribbean military operations helped lead to the confiscation of over 270 tons of cocaine.<sup>61</sup> In 1997, border efforts netted over 84 tons of cocaine and 370 tons of processed marijuana.<sup>62</sup> Through the combined effort of the DLEAs and the Joint Interagency Task Forces working around the clock, our military was having a significant impact on air, ground, and sea trafficking to our south. Yet, in the ultimate cat and mouse game, the cartels have

now dispersed their operations into the Pacific, Atlantic, and Canada.

Even to the south they have changed and literally gone underground. Recently the military found a tunnel under the Arizona and Mexico border through which one could literally drive a train.<sup>63</sup> Unfortunately, DEA still estimates that over half the cocaine and marijuana in the U.S. enters across our Southwest border.<sup>64</sup>

To further exacerbate the problem, the cartels increased production of cocaine, heroin, and marijuana. As an example, 850 tons of cocaine are now produced annually--up from 600 tons. It is estimated that only one-third is seized, while one-third goes to meet U.S. demand and one-third supplies other nations.<sup>65</sup> In the case of heroin, the problem is even worse. The world production capability has risen 60% to 360 tons, with U.S. demand only a fraction of that capacity: 13 tons.<sup>66</sup> Despite our exceptional efforts, America's appetite continues to be fully satisfied. With this evidence, a shift in policy seems appropriate. What other options exist to counter this threat?

### **OPTIONS**

Four options seem to stand out to further oppose the nation's drug problem: first, we can begin to legalize these substances; second, we can expand the military's role; third, we can expand other enforcement agency roles; or fourth we can reduce drug dependence and demand.

## LEGALIZATION

The most radical option is legalization. From an article "Breaking the Taboo on Drugs" by Michael Keating, writing on behalf of the UN's International Drug Control Programme, we find that "drugs of the old world--alcohol and tobacco--remain legal; whereas drugs of the third world--the traditional drugs of these societies--are outlawed."<sup>67</sup> Like alcohol abusers, cocaine and heroin addicts self-medicate against physical or emotional pain. They are typically individuals who do not have access to psychotherapy or Prozac.<sup>68</sup> Although we demonize illicit drug use, legalization has a positive side. For instance, today's \$1,000 per week habit, if legal, would cost \$20 and a great deal of drug user crime would stop immediately.<sup>69</sup> Additionally, the most violent crime, which often spills over to innocent bystanders, stems from the criminal competition for the drug profits.<sup>70</sup> With legalization, our overloaded judicial system would be freed of nearly half its cases.<sup>71</sup> Legalization would also deprive organized crime of billions of tax free dollars and bring the trade into the open where it could be controlled. Our country has successfully reversed itself on legalization issues before; abortion and prohibition are two well-known examples. Once legal, a tax could be applied on drug sales to support the medical and social costs associated with addiction. Control could also serve to reduce the incidence of HIV infection through needle exchange for example. Presently it costs over \$100,000 to treat an

indigent drug abuser with AIDS.<sup>72</sup> Yet, in spite of these benefits, legalization has serious potential negative consequences.

First, for our elected lawmakers, speaking out for legalization is politically taboo. Politicians get elected and reelected by talking tough on drugs, not soft.<sup>73</sup> Furthermore, if legal, we run the risk of greatly increasing the number of first time experimental drug users. This experimentation could potentially lead to more addicted users and greater problems. Additionally, related crime such as driving under the influence, would likely increase as drugs became more available and more widely used. Domestic violence, now often connected with substance abuse, could also rise, again countering any benefit. With these negative aspects, and legalization doubtful, can the military solve the problem?

#### **EXPANDED MILITARY SUPPORT**

Increasing the budget and further expanding the military's role in counterdrug operations and interdiction is another option. Retired Army General Barry McCaffrey, who is in charge of the administration's drug program, commented at a White House news conference "that in five years we have interdicted and seized over 1,400 tons of cocaine...that's a lot of cocaine that isn't on the streets of America."<sup>74</sup> In an unprecedented request, General McCaffrey wrote Defense Secretary Cohen regarding the

Pentagon's proposed \$809 million budget to support 1999 drug control efforts. Although expressing sympathy for the military's increasing world demands he advised Defense to add an additional \$141 million to enhance interdiction operations and better meet the intent of the administration's anti-drug objectives.<sup>75</sup>

Yet in a government commissioned drug study, "Measuring the Leverage: Assessing Military Contributions to Drug Interdiction," the RAND corporation concludes the interdiction campaign will face complications, be a source of frustration, and that the associated cost to legal commerce in closing smuggling conduits will be prohibitive.<sup>76</sup> In drawing their conclusion, RAND cites historical interdiction campaigns. Their study documents the inability of the German submarine fleet, during World War II, to interdict the North Atlantic sea lanes from the United States to Europe. Another example was America's unsuccessful interdiction bombing campaign of the Ho Chi Minh supply trail from North to South Vietnam. With history as its basis, RAND reasons the drug cartels have the odds in their favor. The cartels are favored by the continued passage of time and almost unlimited availability of alternate supply line and movement options. They are also favored by inevitable tactical and operational restrictions placed upon the interdictor.<sup>77</sup> A recent example: a civilian was unfortunately killed by the military during counterdrug operations along the Southwest border and public furor forced this operation to be shutdown for months.<sup>78</sup>

The point is this: can DOD blockade 12,000 miles of coastline, 2,000 miles of frontier with Mexico, and 5,500 miles of border with Canada? The answer is 'no'; no amount of money or commitment will be enough. As General McCaffrey acknowledged, "we cannot eliminate drugs in America...this war won't be won by anybody's armed forces but this war is to be won by parents, teachers, coaches, law enforcement officials and honest judges."<sup>79</sup> Recognizing the overwhelming odds against interdiction, the House and Senate just approved dropping the funding for military border patrol ground forces from the 1998 defense authorization.<sup>80</sup> Likewise, the latest report from the Commission on Roles and Missions of the Armed Forces suggests the goal of military operations is to prepare for fighting the nation's military battles. It recommended the President limit the use of military forces in operations other than war to avoid degrading readiness. Likewise, law enforcement support should be moved to civilian agencies,<sup>81</sup> suggesting another option.

#### EXPANDED ENFORCEMENT AGENCIES

We could expand the budget and roles for agencies such as the U.S. Border Patrol and the U.S. Customs Service. Our Southwest border, with 38 entry points, is the busiest border in the world. In 1995 alone, over 230 million people crossed the border in 2.8 million trucks and 84 million cars.<sup>82</sup> Customs, on average, has about seven seconds to make a search decision.<sup>83</sup> The

Border Patrol, although expanded from 4,000 to 5,700, still does not have the number of people required. General McCaffrey suggests we will need a tenfold increase in the number of these agents over the next decade to stem the flow of drugs and provide law and order.<sup>84</sup> This seems unlikely to happen.

To alleviate the manpower requirement, we might consolidate our nation's points of entry. We could then begin inspecting more traffic and passengers using the high technology contraband detection systems under DOD development.<sup>85</sup> This equipment is becoming more readily available and affordable. However, would drug free Americans stand for this 'fortress effect'? Our people would be delayed in long lines entering the country and commerce would slow significantly.

The country may also want to consider a National DLEA Joint Interagency Counterdrug Task Force with a single civilian head.<sup>86</sup> The detection and monitoring effort outside CONUS is well-organized and operated by regional CINCs. Yet domestically, there are no overarching operational plans (OPLANS), and 50 separate agencies are involved in this effort. Efficiencies could be gained through consolidation and unity of effort.<sup>87</sup> With a combined organization there will be better communication; this may enable us to track the flow of drug money more effectively for example. Although technology and reorganization offer efficiencies, they do not address the core problem of drug dependency.

## REDUCE DRUG DEPENDENCE

Without demand there is no drug problem. Only 34 percent of the total U.S. government budget is aimed at demand reduction. Year by year the country could gradually shift more money from supply interdiction to demand reduction. It is money well spent. Our government estimates a seven-to-one return on investment; for \$209 million spent in 1992 to provide treatment for 150,000 addicted Americans, the country realized \$1.5 billion in savings due mostly to crime reduction.<sup>88</sup> However, savings isn't the only issue.

Socially, our country is not tackling drug demand head on. As an example, the National Football League accepts three positive drug tests before severe action is taken.<sup>89</sup> This only panders to the problem. Policies such as this are totally unacceptable. They send the wrong signal to America and should be changed immediately.

The military services, on the other hand, have fixed their problem. Through aggressive random drug testing and a zero tolerance policy they virtually eliminated the drug problem from their ranks. Lawyers, doctors, teachers, retail clerks, truckers, athletes, indeed all occupations, could follow the military's lead and make job security dependent upon a drug-free life style and work environment.

We must also reduce youth exposure, and their opportunity for demand. Statistically, most problems with children occur

during the hours after school when they are without supervision.<sup>90</sup> Subsidizing additional extracurricular school programs and activities may be an answer. If students were required to attend, parents would have time to get home first. Additionally, programs like National Guard State Outreach provide yet other opportunities. They assist the community in providing drug prevention and education to our children.<sup>91</sup>

With the options of legalization, expanded military efforts, expanded governmental agency efforts, or a shift to demand reduction in mind, what conclusions can be drawn?

### **CONCLUSIONS & RECOMMENDATIONS**

Clearly the solution to meet our nation's drug problem has been illusive. Our government now suggests the phrase "War on Drugs" is misleading and tends to imply quick victory. In fact, the government projects further concentrated effort over another 10 years.<sup>92</sup> General McCaffrey in testimony before the Senate Committee on Judiciary alluded to a 20-year challenge for the United States.<sup>93</sup> We just completed 10 years of intensive government response and little changed.

Regarding the first option for change, despite some projected benefits, legalization presents other problems. Additionally, main stream America does not appear ready to release control of psychoactive drugs. In fact, one of the initiatives of the national strategy is to counter attempts to

legalize marijuana.<sup>94</sup> For cocaine and heroin there isn't even a political dialogue.

In the mean time, expanding national agencies does not seem realistic or likely with near constant dollars expected to combat this problem. However, to gain greater efficiency and effectiveness, reorganization across the 50 domestic agencies is warranted. One method may be to consolidate forces and establish a National DLEA Joint Task Force. Detection technology also offers a cost effective means of interdiction and should be leveraged.

Likewise, we must also wean our country's use of the military in drug operations. Former Secretary of Defense Cheney stated "the military could reduce the flow yet could not solve the social problem."<sup>95</sup> Although some level of interdiction is required to show national resolve, the military, through its detection operations, already identifies many more targets than the DLEAs can possibly apprehend.<sup>96</sup> History also clearly suggests that building 'fortress America' just isn't feasible. So we now look at source countries to solve our problem. However, the poor crop grower is merely providing what many Americans' want. The economic law of supply and demand will continue to prevail.

The key to the drug problem is demand. We should begin by shifting more dollars and emphasis to demand and addiction reduction within the 1998 National Drug Control Strategy. Even taking into account the \$141 million shift from DOD, two thirds

of our nation's program of \$16 billion is still focused against supply. We are willing to spend \$40,000 a year on our imprisoned drug criminals yet spend only \$3 per year per child on drug education.<sup>97</sup> We must make drug use socially unacceptable and shelter our children from it. If two parents must work to make it in America, then maybe our schools need to stay open longer for protection. The government should fund more programs like the National Guard State Outreach program. Drug testing and strict policies which deter demand have worked within the military and should be expanded to all of America. Just recently, the DOD expanded the Drug Free Workplace Program beyond the military to all of its civilian agencies.<sup>98</sup> This lead move by DOD should be adopted by all federal, state, county, and local government agencies. If tougher laws are required, let's write them.

In the end, no nation should accept a \$67 billion loss each year. We must get our people off drugs. Let's shift our emphasis to reducing the national demand. America cannot lead into the next millennium with needles in our veins and powder up our noses.

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<sup>15</sup> Office, Appendix A, 6.

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<sup>17</sup> Use of Army and Air Force as Posse Comitatus, U.S. Code, vol. 9 title 18, sec. 1385 (1995).

<sup>18</sup> Military Support for Civilian Law Enforcement Agencies, U.S. Code, title 10, chapter 18, sec. 375 (1994).

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